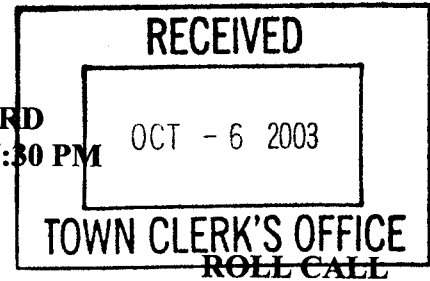




Town of New Windsor

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OFFICE OF THE PLANNING BOARD
WEDNESDAY — OCTOBER 8, 2003 - 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

APPROVAL OF MINUTES DATED: SEPTEMBER 10, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. WINDSOR HEIGHTS MOBILE HOME PARK – RILEY ROAD

PUBLIC HEARINGS:

1. **BENEDICT POND SENIOR PROJECT (02-30) MT. AIRY ROAD (DI NARDO)**
Proposed Senior Housing.
2. **GUARDIAN SELF STORAGE SITE PLAN (03-24) WINDSOR HIGHWAY (DANIELS)** Proposed two-story climate-controlled storage building

REGULAR ITEMS:

3. **ANGELO SAKADELIS / NEW WINDSOR POWER EQUIPMENT LOT LINE CHANGE (03-28) RT. 207 (SAKADELIS)** Proposed lot line change between two commercial properties.
4. **CELLULAR ONE SITE PLAN (03-29) TOLEMAN ROAD (CHAZEN)** Proposed telecommunication equipment on existing tower with accessory building.
5. **FOX HILL / WITFIELD LOT LINE CHANGE (03-30) KINGS ROAD (SHAW)** Proposed lot line change.
6. **ADC WINDSOR SUBDIVISION (01-45) KINGS ROAD (SHAW)** Proposed 49-lot residential subdivision.

DISCUSSION

ADJOURNMENT

(NEXT MEETING –OCTOBER 22, 2003)

October 8, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 8, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
NEIL SCHLESINGER

REGULAR MEETING

MR. PETRO: I'd like to call to order the October 8, 2003 meeting of the Town of New Windsor Planning Board meeting. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED SEPTEMBER 10, 2003

October 8, 2003

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MR. PETRO: Has everyone had a chance to read the minutes dated September 10, 2003? Take a motion to accept them.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes for that date as written. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR HEIGHTS MOBILE HOME PARK

Mr. Mike Marshall appeared before the board for this proposal.

MR. PETRO: Mike, has someone from your department been there? Do you have any outstanding comments?

MR. BABCOCK: Yes, lot 5 appears to, I wasn't there personally, but lot 5 appears to have some vegetation and some skirting or screening around the bottom of the home that's in, I talked to the gentleman earlier tonight, and he's agreed to take care of it or at least contact the home owner to make sure it gets done.

MR. PETRO: Do you have a check for \$130 made out to the Town of New Windsor?

MR. MARSHALL: Yes.

MR. PETRO: This is for one year extension, entertain a motion.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Windsor Heights Mobile Home Park on Riley Road.
Roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

October 8, 2003

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MR. PETRO

AYE

PUBLIC HEARINGS:

BENEDICT POND SENIOR PROJECT (02-30)

Mr. Tony Danza and Robert DiNardo, Esq. appeared before the board for this proposal.

MR. PETRO: Proposed senior housing. Application involves development of the 52.5 acre parcel into a 120 unit age restricted multi-family development. Plan was previously reviewed at the 9 October 2002, 14 May 2003, 23 July 2003 planning board meetings. It's here for a public hearing. R-3 zone, special uses in all zones. There are three items on the bulk table that need to be looked at. Do you have a copy of Mark's comments?

MR. DINARDO: No.

MR. PETRO: Mark, you're talking about 1.5 spaces per unit in two, what's reflected on the plan as it stands now?

MR. EDSALL: They've got a couple different numbers, they've got one shown I believe 1 1/2 but they're providing 3.4, so they have enough, I just want the plan on the next set to be corrected.

MR. PETRO: Okay, just bring us up to date. We've seen it four or five times.

MR. DANZA: Just give you an overview of the plan, how it lays out. If you look at this board, it's the same as this shows, everything but the upper end of the lake. It shows condominium association roads will be maintained by the condo association. There's 30 buildings, each building has 4 units in it. The buildings all have two car garages and they all have visitor parking within walking distance to each unit. So between the units, every cluster is a location for visitor parking. The units are all two bedroom units,

some have dens, some have lofts and I will show that to you in the architectural. The amenities are a pool over here on this end, clubhouse, a walking path around the lake on both sides, small fishing pier, this walking path can be accessed from either side of the lake and walk, the whole area, a gazebo, shuffle board court and there's some dialogue whether it's a bocci ball court or a horseshoe thing, we're pushing for bocci ball. So those are the amenities. If you look at this plan, the last plan that we had here at that point one of the board members made a comment that in the first phase, you only had one means of egress and ingress. We have supplemented that and rearranged that phase so now the first phase also at mark's suggestions there's a way in and way out. All the amenities are completed in Phase 1 so when Phase 1 is done, it's sustaining, all the amenities are done and it has an ingress-egress, so the ingress has changed a little bit. One water hookup, one sewer hookup. Mark suggested we arrange for the easement, got the easement granted to us which ties the water into a completed loop. That's it for the--

MR. PETRO: Total number of units again?

MR. DANZA: 120 units, 30 buildings, 4 units per building.

MR. PETRO: What's the bedroom count in each unit?

MR. DANZA: Two.

MR. DINARDO: It varies. Why don't you go through the floor plans?

MR. DANZA: That's the site plan. The architectural, let me, this is a front elevation, each building is 4 units, there's 4 unit types that can be mixed and matched in each unit. The unit sizes range from as small as 1,430 feet which is 2 bedroom 2 bath and next

size 1,696 feet, the next one is 2,321 and the last one is 2,366 and they can be, there's two different types of center units and two different types of end units. This is the smaller units, the 1,430, square foot units, two car garage, kitchen and bedroom area, master bedroom on the first floor, they all have master bedrooms on the first floor, living-dining area, this is the center unit. In the entrance as you come down the two units you have windows on each side, this is the main entrance so it's not a closed-in unit, although it is attached on both sides, you have this breezeway that opens it up. Second story you go up the stairs, there's a loft, this is all open to below, one bedroom and a bath.

MR. PETRO: I just feel I want to know the bedroom, there's no three bedroom?

MR. DANZA: Correct, they're all two.

MR. PETRO: We talked a while about it, how you're going to keep this a senior project, in other words, I buy it for my mother, she either passes or moves away and then my sister takes it, she's got four kids, she sells it to her aunt who has seven kids, how are you going to control that?

MR. DINARDO: Two means of enforcement at a minimum are, of course, your zoning ordinance and your senior code mandates 55 and over, then there's a little exception if you're talking about somebody permanently disabled, in addition. So you have enforcement through the zoning ordinance, we'll be filing a master declaration which we'll review with you, review with the Town Board review with your attorneys a declaration will give the right to the board of the managers to enforce those same covenants and all of your ordinance requirements will be incorporated in that covenant so it's normal code enforcement, it's title, it's water managers, the experience has been that the people who

move into these types of communities are as concerned or more concerned frankly than the local government is in keeping those.

MR. PETRO: Local government is not going to work, that won't work, local government, Mike Babcock is not going to go there and ask somebody to move.

MR. DINARDO: I agree, that's why we rely on the board of management and the residents in the community.

MR. PETRO: Almost self-governing.

MR. DINARDO: It has to be. This is the sort of community and limitations that the people who move in want. Everyone individually has the right to enforce these limitations. The board of managers not only has the right to enforce it but the obligation to enforce it. The experience is that's where the enforcement comes from, the residents and the board of managers, you have a central administration, a central government.

MR. ARGENIO: How does it work if it's tested?

MR. DINARDO: What aspect, age limitation?

MR. ARGENIO: You need to get out, what do you do?

MR. DINARDO: Yes.

MR. DANZA: We have built and developed over a thousand of these type of units in New York, New Jersey, Pennsylvania, our experience is the best policing agencies are the people, the board of directors, the condo association, they have the power to assess, they have the power to lien the property, they have the power to evict, so they're protecting their property.

MR. DINARDO: All of the enforcement expenses are liens

on the property.

MR. ARGENIO: They do have the power to evict?

MR. DINARDO: Yes and to lien the units in terms of their expenses, which is a big item too because if you want to jerk the system around, you're going to pay for it in the end.

MR. DANZA: And as we get more and more into it, we see the need for senior housing and this is the active seniors, seniors start at 55, usually older, they create a board and those boards enforce everything that's in the condo association document, rest assured, one thing out of place, everybody hears it.

MR. PETRO: Sewer department has told us that they have a concern over the long term operation and maintenance of 32 duplex sewer pumping stations and forced mains privately owned and maintained.

MR. DINARDO: Centrally maintained.

MR. DANZA: Let me speak to that. I got a board to show and I'll tell you what our experience with that is on previous developments that are in heavy topography areas, areas in lakes we've used this system. As you can see the red line, that's the sewage system, if you will, each one of these legs handles a four plex unit. In that pit is a pump, is a mini treatment plant, not a treatment plant.

MR. PETRO: Mulching pump?

MR. DANZA: Just like you'd have in a big system, it's redundant, there's two pumps in there and it's about the size of a garbage can, a 55 gallon drum, we've used them in condo associations for a number of reasons. You have the ability to keep them on hand in the clubhouse, keep two or three of them if this pump blows

out, pull it out with a chain, hook another one on, lower it back in, it runs from a inch and a half to a three inch pipe, comes out with enough force, it's not deep below the ground. I can give you literature on them. We've used them and they've worked very well and every four plex has one, one ejector pump for each four plex unit.

MR. PETRO: One breaks and has to be replaced, who's paying it?

MR. DANZA: Association. We have two or three of them in the clubhouse now, in that ejector, there's two pumps and they go on and off, one of the pumps goes off, it sends an alarm, they go out, they either repair the pump or pull the system out and replace with a new one.

MR. PETRO: Where is the electric that comes to service each one of the pits?

MR. DANZA: It's all part of the common electric.

MR. PETRO: Do you have a common meter on each four plex?

MR. DANZA: Each four plex has its own meter, individual meter, then there's one common meter for the clubhouse, for the pool and for the ejector pumps that becomes part of the association fees.

MR. PETRO: The one common meter for each four plex, not for each one of the units.

MR. DANZA: There's four units.

MR. PETRO: So there'd be five meters there.

MR. DANZA: No, four meters there, each unit has its own meter and then the central location like the

clubhouse there will be one common meter, master meter for all the common components.

MR. PETRO: You're going to wire from one meter the whole entire site?

MR. DANZA: They may break it down to substations.

MR. DINARDO: Would you suggest we work with the sewer department, provide a little bit more information?

MR. PETRO: He gave me an approval here but he wanted more information.

MR. DINARDO: Sewer department on that?

MR. PETRO: Yeah.

MR. DANZA: I have literature on the ejector pumps.

MR. PETRO: All right, all right, this is a public hearing, I want to open it up to the public at this time. On the 23rd day of September, 2003, 24 addressed envelopes containing the notice of public hearing were mailed out. Someone is here and would like to make any comment on this application for or against, be recognized by the Chair, come forward, state your name and address and your concerns. Anybody want to speak?

MR. ANAYA: Eric Anaya, I live at 16 Benedict Lane. I have a concern about the location of the swimming pool which is in close proximity to my residence. I'm concerned about the noise which will be generated by the swimming pool facilities. Will there be like a loud speaker which is going off?

MR. DINARDO: Honestly, I don't know that we have addressed it but both those concerns are legitimate concerns, I think we can incorporate limitations on loud speakers if you're going to have any and hours of

operation.

MR. DANZA: The pool's really not used that much, we'll certainly limit any outdoor speakers and we'll certainly re-look at what we can do with screening.

MR. PETRO: There's a noise ordinance in the Town so they can only be open certain times.

MR. ANAYA: What times?

MR. PETRO: Mike, what are they, do you know?

MR. BABCOCK: We have them in the book here.

MR. EDSALL: I'll look.

MR. PETRO: Also, he has a pretty good tree line, if you look on the map, there's a pretty good, do you have the landscaping sheet there, you can show him. It's a nice buffer zone between the pool and your lot.

MR. LANDER: Which lot is yours? Could you show us on that map?

MR. ANAYA: I believe my lot is right there.

MR. DINARDO: My suggestion is we'll come up with a proposal in terms of limitation of any outdoor speakers, give you some information about hours of operation, see what else we can do to soften, limit the potential.

MR. PETRO: Lighting also.

MR. DINARDO: We'll deal with those.

MR. PETRO: We'll look at that again, they'll be here quite a few more times probably so we'll look at it, see what's going on. Anybody else?

MR. ARGENIO: Motion that we close the public hearing.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Benedict Pond in New Windsor site plan. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I would open it back up to the board and to anybody who wants to make any comment. Mark, do you have anything else at this time?

MR. EDSALL: Just add that it appears that the type of operation where noise would be generated at the pool would have prohibitions between 9 p.m. and 8 a.m.

MR. PETRO: Applicant is reminded that the submittal packages of New York State DEC and OCDOH shall require the acceptance of the town and signature from the Supervisor on the application. Submittal should be coordinated through the planning board secretary.

MR. EDSALL: DEC, Bob, as you mentioned, it's a single connection, so you probably won't have to go to DEC for the sewer, although we have to check with the Supervisor, see if there's any implications of the moratorium, I'm not quite sure there is on the water. You've got the Health Department, so we'll have to have--

MR. DANZA: It's one hookup.

MR. EDSALL: For the water, but I'm not, the Health Department and again, you can doublecheck with them, they've indicated there's more than one occupant like if there's a mall with three businesses they may, so just doublecheck.

MR. PETRO: What's the pathway going to be made out of, blacktop?

MR. DANZA: Like an ash, crushed slate.

MR. PETRO: That's nice, I like that.

MR. DANZA: We spent a lot of time with Mark, we took a lot of guidance from him, we covered the garbage disposal, paid attention to how we can handle recycling.

MR. PETRO: Make the entire walkway in all the phases with Phase 1 because I see the phase lines cut through it a little bit.

MR. DANZA: Amended phase line which comes down through here and over through here takes this whole walkway and the gazebo area and all the improvements to here, the only part of the walkway that won't be done in the first phase is this section which is this section here and the little fishing pier here but this whole section, gazebo, will be done, clubhouse, all the amenities will be done in Phase 1.

MR. PETRO: Okay, you're ready to meet with Mark again, clean it up and it looks good.

MR. DANZA: Thank you.

MR. DINARDO: This needs to be referred by the planning board to the Town for special use permit, do you want

to start that process now or do you want to see the plans evolve more before you do that?

MR. PETRO: I think so, I mean, you're pretty far along, I think, I think we should of started earlier, if they say no, what are we doing?

MR. DINARDO: I agree. Let me just check, as I recall, the code, I think literally the code says that it goes to the Town for special use permit after site plan approval, I'm sorry, site plan review, so really now is the time cause you haven't acted but you've had a review.

MR. PETRO: It's under review.

MR. DINARDO: So I'm going to, I'll work with Myra and work toward getting on the Town Board agenda for a presentation to them.

MR. PETRO: Thank you.

GUARDIAN SELF STORAGE SITE PLAN (03-24)

Ms. Kari Redl Daniels and Mr. Winston Schuck (phonetic) appeared before the board for this proposal.

MR. PETRO: Plan was previously reviewed at the 27 August 2003 planning board meeting and is before the board for a public hearing at this time. Property is split between NC and R-4 zone, zone lines on the plan appear to be correct, consistent with the zoning map. This is in the NC zone, site complies with all bulk requirements, table provides acceptable analysis and minimal parking requirements are met. Do you have a copy of Mark's other comments? Just very briefly tell us, just bring us up to date what you're doing there exactly from scratch.

MR. SCHUCK: This is going to be a climate, two story climate controlled building in front of the existing storage units on Route 32 of Guardian Self Storage. This will be a climate controlled building two stories above ground and it will have a basement. Each floor is going to be 17,960 square foot, the building will be sprinkled, it will have, we have developed elevations and we will be showing you what it's going to look like tonight and we have been working with the engineers to develop the project to the Town Codes. Our builder is here tonight, Jody Foster, who can answer some of the details you might have on the construction and on the building.

MS. DANIELS: And Judy Meyers, general manager, who runs the buildings and Jody Clayton.

MR. PETRO: Parking has been resolved, there's a couple of notes from Mark, the handicapped parking space dimensions appear to be correct and the plan still does not include a dimension detail. One should be added to the plan so there's going to be small things that you need to take care of but take Mark's comments and

implement them on the plan. I don't think it's a major problem, just needs to be done. Plan depicts dumpster enclosure of stockade wood, normally, masonry enclosures are requested. As Ronny would say, I'll beat him to saying it, if you're making the building out of block or whatever you're making the building out of, what is it?

MR. CLAYTON: Combination block.

MR. PETRO: Make the dumpster enclosure the same way.

MR. ARGENIO: Block.

MR. EDSALL: The idea is to have it finished so it looks like an outbuilding of that unit.

MR. PETRO: Read this last one because I have an interest in that. On fire, we have fire approved but the fire department hookup needs to be shown on the outside of the building for sprinkler, show indication of sprinkler room, fire hydrant to be located on site.

MS. DANIELS: Is that a letter or note?

MR. PETRO: It's a note here directly from him, do you have the fire hydrant shown on the site?

MR. SCHUCK: Yes, sir.

MS. DANIELS: If required, when I met with the fire department, they said if I sprinklered the building first they wanted a fire hydrant because I wasn't going to sprinkler the building, it was under 5,000 square feet so I put it on as a requirement but I, because I didn't know if the buildings need to be sprinklered.

MR. PETRO: I don't know so I suggest that--

MR. BABCOCK: Your building's definitely going to have

a sprinkler system.

MS. DANIELS: Yes.

MR. PETRO: Is the fire hydrant still required?

MR. EDSALL: We can check that.

MR. PETRO: I'd be guessing and I don't want to do that.

MR. SCHUCK: We have indicated some hookups for the, on each side of the building for the fire department.

MR. PETRO: We received a storm water analysis in letter form, prepared by Lanc & Tully. The letter indicates adequate storage but notes that proper maintenance has not occurred. And they commit to proper maintenance in the future and a note to that effect should be added to the plan indicating that failure to do so is acknowledged as a violation of site plan approved. Talking about proper maintenance?

MR. EDSALL: Apparently, it's overgrown, it has debris in and about the basin.

MS. DANIELS: It's been all cleaned up, it was a surprise to us as well, so we went and cleared any kind of debris that the storage customers left or didn't dispose of.

MR. EDSALL: They're likely tossing things unknowingly.

MS. DANIELS: Now it's on the maintenance list to check on a regular basis. So I'll add that note to the plan because it's on our maintenance list to check that monthly.

MR. ARGENIO: Yes.

MR. PETRO: This is a public hearing. On the 23rd day of September 2003, 24 addressed envelopes containing the public hearing notices were mailed out. If someone is here who'd like to speak for or against this application, please stand, be recognized by the Chair, come forward and state your name and concerns. Anyone like to speak? All right, let the minutes reflect that there's no one here that would like to speak on this application. So I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Guardian Self Storage site plan on Windsor Highway. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I reopen it back up to the board for any further comment and review by Mark. Do you have anything outstanding, Mark?

MR. EDSALL: Comments as you said are quite straightforward, they will not impact the plan so it's in really good shape.

MR. ARGENIO: I have one question. The issue was discussed about the water line hookup and where the existing 8 inch water main is, do you have to do a boring under 32?

MR. CLAYTON: Yes.

MR. ARGENIO: Just curious.

MR. CLAYTON: At this point, we think so.

MR. ARGENIO: I don't think they're going to let you do an open cut.

MR. CLAYTON: No, there's another hydrant on the other side of the driveway, we want to see if there's a line under there already, we can pick up on the other side.

MR. ARGENIO: Call it a main extension.

MR. PETRO: What are you going to do for drinking water, going to tap off the line when you bring it across? They're going to let you do that?

MR. CLAYTON: Yes.

MR. PETRO: Come in with an 8 inch line?

MR. CLAYTON: Six.

MR. PETRO: You're going to take your one inch off that, you don't need a dedicated main just for the fire?

MR. EDSALL: No, you split them outside, you take the domestic tap and have two feeds in the building, fire service and the domestic.

MR. PETRO: Not that I'm trying to make you do two borings but sewer line is where?

MR. SCHUCK: On the other side of the street.

MR. PETRO: So you're going to do two borings?

MR. CLAYTON: Yes.

MS. DANIELS: We'll work with the water and sewer department on that closely.

MR. SCHUCK: And the State DOT.

MR. EDSALL: You might be able to bullet the ejector line under because that's how a number of the other properties have gotten underneath 32 for the sewer ejector. Matter of fact, probably a half dozen below you, they bulleted across and connected in, its another option, it's quite a bit cheaper.

MR. PETRO: Okay.

MR. BABCOCK: Maybe we should talk about the possible use of a temporary trailer that they're going to need for the use of their business.

MS. DANIELS: Right, I put a note on the plan, we actually wanted to ask permission to use an office trailer, it will be a combination office and construction trailer, we've picked out the nice one that has the glass doors, I think there's a similar one on the property on the corner, we'd like to place that there.

MR. BABCOCK: Where are you putting it?

MR. CLAYTON: Here's the driveway coming in, we're basically setting that trailer at the corner in line with the existing driveway so it channels all the storage traffic this way, so that trailer will sit right here and we'll put a little gravel road through to bring our construction traffic in.

MR. ARGENIO: Permanent or temporary?

MR. CLAYTON: Temporary.

MR. BABCOCK: They're tearing down the office building which I have no objection to.

MR. ARGENIO: They'll operate during the term of construction?

MR. BABCOCK: That's right.

MR. PETRO: Six months sound reasonable?

MR. SCHUCK: Until the C.O. is issued.

MR. BABCOCK: We'll make sure we won't give them a C.O. to operate until they remove it.

MR. PETRO: Six months is fine. Planning board may wish to make a determination regarding the type of action. So motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Guardian Self Storage site plan on Windsor Highway. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Looks like we have, I've said it before,

the fire was approved on 10/6/2003.

MR. EDSALL: I'll doublecheck on the hydrant.

MR. PETRO: All right, I think that's as far as we can go tonight. Is there any other comment about the site plan itself? You have a copy of Mark's comments, I suggest that you implement whatever he needs you to put on the plan.

MR. EDSALL: These are quite straightforward adjustments, do you want to look at the conditional so that I can just check if these have been done, save yourself an item on the agenda cause there's really nothing on here.

MR. PETRO: Start this year?

MS. DANIELS: They'd like to start tomorrow, if it has conditional approval to make the changes, then I was going to go in tomorrow for a demolition permit, get the trailer set up and go for the water and sewer hookups.

MR. PETRO: How about the building, start the building this year?

MR. CLAYTON: Definitely.

MR. PETRO: I've only made a few my mistakes, one of them was starting buildings in October, but that's not for me to say. I don't want to scare you. He looks competent. Okay, what else, Mark?

MR. EDSALL: I'll check the fire hydrant and my comments under number 2 and the bond estimate which is under number 4, so really it's really not that many items.

MR. PETRO: Refuse enclosure has to be made out of the

same material really add a note to the map to that effect.

MR. ARGENIO: Note about the maintenance of the open storm water basin.

MS. DANIELS: Right, I'll go right off your plans here or your letter, I'll go right off your letter.

MR. PETRO: Okay.

MR. LANDER: What about the sign out front, is that going to stay the same?

MS. DANIELS: Stays the same.

MR. PETRO: We have a few subject-to's, sidewalk we changed in the front, was there a grade problem on the outside or not?

MR. EDSALL: They've addressed that.

MR. PETRO: Mark, you say they've addressed everything?

MR. EDSALL: Yeah, these are very simple comments.

MR. PETRO: That's enough, I want to go home. And I think subject-to's I'll go through.

MR. ARGENIO: I'll make a motion for final approval for Guardian Self Storage site plan amendment subject to the notes Mr. Petro's going to read in in a minute.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planing Board grant final approval, final conditional approval to Guardian Self Storage on Windsor Highway subject to the bond estimate being in place, hydrant may or may not be required, we'll find

out, whatever it is you'll have to comply with it, simply yes or no, the dumpster note being added as to the construction type, the notes of Mark's on the comments sheet that you have in front of you, I'm not going to go over every one of them, they just have to be completely taken care of. Anything else, Mark?

MR. EDSALL: Bond estimate, did you get that in?

MR. PETRO: I did that.

MR. BABCOCK: Trailer, Jim, maybe.

MR. ARGENIO: Mike, that's going to be yours.

MR. PETRO: The maintenance bond note for the back of the property. Any further comment? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REGULAR ITEMS

ANGELO SAKADELIS/NEW WINDSOR POWER EQUIPMENT LOT LINE
CHANGE (03-28)

Mr. Joe Sorace appeared before the board for this proposal.

MR. PETRO: Bulk information shown is correct for the zone and use. Although the following requirements should be added, street frontage and developmental coverage. You should also check lot width values which should be measured at the required front yard setback. Proposed lot line change does conform with the exception of the pre-existing, non-conforming conditions noted on the plan. All right, go ahead, tell us, I guess what you want to do, then we'll look at it again.

MR. SORACE: Mr. Sakadelis, who is the current owner of both Parcel A and Parcel B, is looking for a conveyance, sell off lot A.

MR. LANDER: That's the video store?

MR. SORACE: Yes.

MR. PETRO: You want to isolate, basically trying to isolate the--what is it?

MR. EDSALL: Retail store.

MR. SORACE: He has a chain link fence that he has surrounding that yard in there and in order for him to sell off that piece without making a major encumbrance to lot B, he wants to change the lot line and that would, you know, help lot B meet the zoning for--

MR. PETRO: Does it create any nonconformities by creating the new lot line?

MR. SORACE: No.

MR. LANDER: What's the existing size of the lot before the lot line change?

MR. SORACE: Lot A existing square footage is 22,336.

MR. LANDER: We're proposing to shrink it down to 10,438.

MR. EDSALL: Also from the standpoint, gentlemen, of the existing conditions at the site, the Newburgh Power or rather New Windsor Power Equipment use has all those fences so the fences actually run across the retail store lot, the new line would have all his storage areas on his own lot on the correct lot.

MR. R. AGENIO: You own both lots?

MR. SAKADELIS: Yes.

MR. PETRO: What's the purpose for this?

MR. SORACE: Title conveyance of lot A.

MR. PETRO: Without the rest of the property that's already there, you want to retain some of the property?

MR. SORACE: He wants to sell lot A in its current form.

MR. PETRO: It's too big or just make it non-conforming with the other building.

MR. SORACE: He would be losing his area that he currently uses for lot B.

MR. EDSALL: He'd be selling the rear of the Newburgh Power building where he stores all his equipment.

MR. LANDER: I see you have a well on the property on lot A?

MR. SORACE: Yes, sir.

MR. LANDER: You have Town sewer there, right?

MR. SORACE: Yes, Town sewer.

MR. PETRO: Planning board may wish to assume lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Sakadelis/Newburgh Power Equipment lot line change. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Highway disapproved, drainage situation exists that must be addressed with the DOT before further action is taken, contact person for this would be Richard Burns of DOT, permit engineer and he gives us a number, so jot the number down, 565-9762. And why is the Town highway involved, Mark, explain to me?

MR. BABCOCK: He gets a copy of all the maps.

MR. PETRO: He can disapprove a curb cut on New York State highway?

MR. EDSALL: I don't know that his approval is needed for this application but he probably is just letting you know these aware of I guess drainage problems over there, I don't know that the lot line change would make any different either way cause they're not proposing to build anything.

MR. BABCOCK: I misunderstood what he'd talking about there.

MR. PETRO: Drainage situation exists that must be addressed with the DOT before future action is taken.

MR. ARGENIO: A situation, Mike, is that in the code book under S for situation?

MR. PETRO: We have Fire approval on 10/6/2003. This looks pretty straightforward, other than find out what the drainage problem is, I would contact DOT somewhat or contact Mr. Kroll, find out exactly what it is. Are you familiar with anything there that's a problem?

MR. SAKADELIS: Nothing, never any problem.

MR. PETRO: Okay and find out what that's about. I would suggest that you contact the Highway superintendent. If I was him, the first thing I would do is find out what he's talking about first and see what they want corrected, could be something there that we just don't know about. Secondly, the Newburgh Power Equipment lot I'd like to see some formal, though it's not directly related you're asking this board to take action so sometimes it gives us a chance to take care of things as they come up, we'd like to see a display layout for the equipment, whatever you want to display in the front of your lot, instead of just maybe have a tractor one day over here, something over there, you

have a four wheeler, if you can show us an actual display layout for the front of the lot and implement it on the plan, show an area, we'd appreciate that. You don't have any abandoned cars there?

MR. SAKADELIS: No.

MR. PETRO: If you can do that though, you follow what I need now for the front?

MR. SORACE: Yes, sir.

MR. PETRO: Other than that, I don't see any problems with it, other than those two issues.

MR. SORACE: Okay, can you issue final approval?

MR. PETRO: Tonight, no, I can't do final approval. You have two items to take care of. I can't do the final approval before I see the plan you're going to submit for the display and also I have disapproval from the Highway Department, we have to have this removed from my sheets here and in order to do that, we have to find out first what the drainage problem is and secondly, correct it if we can or you can.

MR. LANDER: Mr. Chairman, Mark's comment here about a public hearing whether we should have one or not.

MR. PETRO: Oh, I'm sorry.

MR. LANDER: We can waive that.

MR. ARGENIO: I agree.

MR. LANDER: It's a lot line change.

MR. ARGENIO: It's the state on one side and himself on the other.

MR. LANDER: You have to have a motion for that though unless the other members think we should have a public hearing.

MR. PETRO: I'm not sure. Can we table that until next time?

MR. LANDER: Sure.

MR. PETRO: Just let it go until next time, we'll make a decision then. I still want to see the display area and find out what the drainage problem is. Thank you.

CELLULAR ONE SITE PLAN (03-29)

Ms. Eva Billeci and Mr. Kevin Brennan appeared before the board for this proposal.

MR. PETRO: Proposed telecommunication equipment on existing tower with accessory building. This is something that we approved maybe a year or two ago and you're going to add on to it?

MS. BILLECI: Actually, it's an existing tower that's probably about 30 years old. My name is Eva Billeci with Chazen Engineering representing Cellular One. The Site is actually at the corner of Toleman Road and Route 207, but it's the southwest corner of the intersection, it's the tall guy wire tower up on the hill.

MR. PETRO: Not the new one?

MS. BILLECI: No.

MR. LANDER: This is on Lester Clark's property.

MS. BILLECI: It's WGNY.

MR. KARNAVEZOS: It's up on the hill, if you make a left onto Toleman, it's on your right-hand side.

MS. BILLECI: It's an existing facility, WGNY owns this facility and operates from it. Currently, Cellular One is proposing to co-locate on this guy wire tower, they're proposing to place antennas at an elevation of approximately 173 feet above ground level and they're also proposing to place an accessory building 12 x 20 at the base of the tower to power the antennas.

MR. PETRO: How big is the building?

MS. BILLECI: 12 x 20, there's an existing building on

the facility that's about 288 square feet and Cellular One is proposing, this is a separate structure.

MR. LANDER: Is there a generator being housed?

MR. BRENNAN: They have a generator in the current building and they've said they'd allow us to connect to this generator so we'd have no need for a generator.

MR. LANDER: Going to use the same access road?

MS. BILLECI: Yes, we're going to improve the access road.

MR. LANDER: Is it gravel now?

MR. BRENNAN: Probably 20 years ago.

MR. LANDER: How many times do you have somebody going in there?

MS. BILLECI: Once a month, right?

MR. BRENNAN: With the new technology, we monitor from the central office and unless there's a reason to go there, we probably go there once every three months, that's not to say our men don't go by and check but it's all alarmed, we monitor from our central office.

MR. PETRO: Gentlemen, I want to make everybody aware that the applicant is here for the referral to the zoning board so we're not going to do a full blown review of this as far as the site plan is concerned but they're going there because there's two or three problems, evidently, it's not in the proper zone, although you're increasing more than 30 percent.

MR. EDSALL: The problem is and it took some investigation, I talked to Mike and the Town attorney, after we met at the workshop, the zone across the

street permits the communication towers, unfortunately, the zone line goes down on that road so it's R-1 on the other side, the tower that's there is a conforming use because it's a radio or television tower which is different than a telecommunications tower in this zoning ordinance so that tower's allowed but it's non-conforming because the lot is not big enough, they're not allowed by use, the other lot is allowed by use, but it's not a big enough lot as currently exists, we're sending it over for an interpretation or variance, so whatever the zoning board may interpret that that since it's an existing tower, your co-location doesn't create a new use because it may be there already, I don't know but the ZBA is going to have to deal with whether or not it's allowable or not and if you need a variance, see what you need and give it to you.

MR. BRENNAN: You realize I want to clarify that it's just not a radio tower, you're aware of that?

MR. EDSALL: On that existing tower?

MR. BRENNAN: Yes, that tower has been for years the FAA tower, it monitors Stewart, there's information for the fire department, emergency service on that, it's not just a radio tower.

MR. EDSALL: Well, that this is in that same classification that's permitted it says public utilities and all different communications but it specifically doesn't have this cell tower telecommunications.

MR. ARGENIO: Mark, the code speaks to different types of towers, is that because of height?

MR. EDSALL: No, it just, what happened was the code when it was originally written cell phones didn't exist, so it didn't mention them. When they added cell

phone towers into the code, they called it a different thing and created different requirements.

MR. BRENNAN: The other part of the code says you should go to existing facilities.

MR. EDSALL: Exactly, and the bottom line is the code tries to tell these type users to co-locate, don't put up all new towers, they're doing what we ask, but on the other hand, the zone line runs down the middle of the road and messes it all up.

MS. BILLECI: We assumed it's a minimal action because it's a small building and antenna's on the existing tower so we're hoping to have a simple process.

MR. LANDER: It is, except you're in the wrong zone.

MR. PETRO: Let me ask you this, wouldn't you rather just take it down? I guess we'll go to the ZBA, that refers us there and they meet the alternate weeks. Correct?

MR. LANDER: We'll refer you to them, I guess. Make a motion.

MR. BRENNAN: The tower that's there now that just recently has been approved, that's why we couldn't understand why that was built because it's too low, the tower barely sees over the, it's only 140 or 150 foot tower, doesn't even see over the hill with that existing so it really didn't make any sense to--that tower was built from what we understand from talking to Nextel, they built that tower, the company that built that tower did not want to co-locate on anyone else's tower, so they built it on their own but we have always done what the municipalities ask us to co-locate and if that tower across the street would work for us, we would definitely go there and perform but the tower is built too low, the power next to it is.

MS. BILLECI: We get 150 feet higher just from topo and the available space on the tower.

MS. BILLECI: Can I get a copy of the comments?

MR. LANDER: We're going to make that motion and that will send you to the ZBA, we're going to make it denial, not a denial, we're going to--

MR. PETRO: Okay, motion for final approval?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Cellular One of New Windsor. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	NO
MR. LANDER	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you are fortunate and receive those variances, you can once again appear before this board for further site plan review, you can do that. At that time, you need to put all the variances granted on the plans so we can understand what was going on there, make sure everything's put down a hundred percent so we can read it.

MS. BILLECI: Okay, thank you.

FOX HILL/WITFIELD LOT LINE CHANGE (03-30)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposed lot line change. This application proposes lot line revision to transfer approximately .09 acres from lot 14.4 to lot 2. This submitted plan does not depict the entire lot, I believe it is a final requirement that it has to be shown, this should be added to the final plan to be stamped. Go ahead.

MR. SHAW: I think we're done. As the Chairman said, it's a lot line change of 0.94 acre parcel that's about 415 feet long by about 101 feet wide, which is proposed to be from the lands of Witfield to the lands of Fox Hill Associates.

MR. PETRO: For what reason, why are you doing that?

MR. SHAW: Well--

MR. PETRO: Square off the property.

MR. SHAW: More important than that we'll get into detail on the following application but the bottom line is that with the subdivision for ADC Windsor we've been involved with the DEC regarding the DEC wetlands and they've encroached substantially more into the property than what's on their standard maps, realizing that those maps are approximate and what has transpired is that if you take a look, this finger, which projects into the property, will add another hundred feet onto the, and in this case, it's another inch, we have to get a road system from King's Hill Road up to there and what happens is the, with this wetlands encroaching into our parcel, plus the hundred foot buffer added to it, we cannot get a road to access the meat of the parcel, so my client is purchasing one acre of property, actually .94 acres to be brought over to the

Fox Hill Associates parcel solely to be able to move the road over and get it out of the wetlands.

MR. PETRO: All right, Greg, that explains it. We have Highway approval on 10/2/2003, Fire approval 10/5/2003. Motion to take lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Fox Hill/Witfield lot line change on Kings Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. LANDER: Public hearing, Mr. Chairman?

MR. PETRO: I don't think so. I'll entertain a motion.

MR. KARNAVEZOS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Fox Hill lot line change. Is there any further discussion? If not, roll roll.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: We're not impacting the wetlands there, Mark?

MR. EDSALL: No, this is intended to avoid them.

MR. PETRO: Motion has been made and seconded. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for final approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Fox Hill Associates and Witfield lot line change on Kings Road. Is there any further discussion from the board members? If not, roll call.

October 8, 2003

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ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ADC WINDSOR SUBDIVISION (01-45)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: This application involves subdivision of 142 acre parcel into 49 single family residential lots. Plan was previously reviewed at the 27 June 2001, 13 March 2002, 22 May 2002 planning board meetings. Required bulk data shown on the plan is correct for the zone use and application was grandfathered from the lot area requirements. We just did the previous application which was the lot line change. In my previous comments, I requested that the minimum livable area be provided and proposed values for the bulk data be added to verify compliance. This has not been added, Greg.

MR. SHAW: It will be.

MR. PETRO: As per my discussion with the applicant's engineer, two issues need to be discussed at this meeting and issues are drainage and cultural resources, so why don't you go from there.

MR. SHAW: Okay, just even to back up for a second, I want to re-walk some ground as to where this project has been. It's been before your board on numerous occasions, probably the last time maybe about eight months ago, it was for a 49 lot subdivision. As Mark said in his comments they were grandfathered, we're now down to 46 lots. We've lost a couple, one due to the size of the storm water detention pond and water quality pond and secondly, we've had to relocate the road as I mentioned on the previous application over the .94 acre parcel to get it out of the wetlands buffer area and with that, we also took out another lot. So we're now down to 46 and hopefully, that number will stand up, but only when you're done with the Health Department will you know for sure. We're

here tonight hoping to discuss preliminary subdivision approval. The last time we were before the board there were two issues as Mark pointed out in his comments, one was the storm water management which we prepared a substantial document for Mark's review and I noticed in his comments that he takes no exception to it. Hopefully, the storm drainage is behind us and that really consists of two major components, one is the water quality basin designated on parcel A and two, something unique to the Town of New Windsor, we have to construct a storm water sand filter, okay, at the intersection of our boulevard and Kings Road to filter the storm water that's strictly coming down our boulevard, this is part of the new storm water discharge regulations by the New York State DEC which were implemented in March.

MR. PETRO: Who maintains the sand filter?

MR. SHAW: Dedicated to the Town of New Windsor and more than likely, they're going to form a drainage district to encompass this whole parcel and homeowner is going to pay for the maintenance of the pond and storm water sand filter but it's not open for discussion, it's law and we're going to have to live with it, unfortunately.

MR. PETRO: Town of New Windsor gets the sand filters to take care of forever?

MR. SHAW: Yes.

MR. PETRO: That's a pretty good deal.

MR. SHAW: Yes, it is, especially for the developer. The other component in order to close out SEQRA is the cultural resources survey. What had happened was when Mark circulated for lead agency, the State Office of Parks and Historic Preservation responded and said they wanted a Phase 1-A cultural survey that was completed

that was submitted to your board and that was in turn submitted up to the state for their comment. And the bottom line is that the state is recommending that we go to a Phase 2 survey and what that means is every hundred feet on center you run a disk through the site, you have someone follow the disk looking for resources, very timely, very expensive. If I can just read from the report, kind of give you a feel as to where we are, this is the introduction, says background and research file reviews were conducted by the project consultants to assess the potential for prehistoric and historic cultural resources within the proposed project area. Based on the results of the documentary review, and site walk over several areas of the proposed site were identified that exhibit an average probability for the presence of prehistoric resources. Following extensive reviews no areas were identified to evidence potential for the presence of significant historic resources. So right now, we're talking prehistoric, not historic. The prehistoric sites that have been identified in the project area, none are located within the proposed project impact area, are situated in physical settings that are similar to portions of the project area. Identified prehistoric site locations can be summarized as level terraces of well drained soil to proximity, in proximity to water resources. Those portions of the project area that exhibit these characteristics are recommended for subsurface archeological testing. So what he's saying is that there's nothing on the site, okay, it's just in this general area you do have other sites which were sensitive, when I say sensitive within a couple miles for prehistoric cultural resources and because this site has relatively flat areas that drain to wet areas there it should be studied.

MR. PETRO: Prehistoric?

MR. SHAW: I just said historic has been an eliminated area under consideration in this report consists of the properties identified by the projects delineated on the

plans, this assessment consists of a review of the available site files, documents, local respondents and other such information that was available. A visual inspection of the project area was conducted to identify significant historic, prehistoric cultural resources that may be visible on the surface. And then he recommends the Phase 1-B investigation on identified portions of the subject property. I guess what I'm asking this board, well, let me just back up. Point of reference, had we crossed the DEC wetlands and we needed a permit from the DEC, all right, we definitely would have to prepare the Phase 1-B archeological research because we couldn't get the permit from the DEC without completing it. What we have done is obtained the right to move the road on this parcel which we're going to purchase and move it out of the wetlands, therefore, we do not have to file with the DEC of Department of Parks, it's strictly a local determination by this board as to whether or not you feel you want to make the applicant go through the Phase 1-B study for prehistoric artifacts, all right, that may be found on the site because they've had sensitivity to other sites within close proximity of the project.

MR. ARGENIO: What it said was level plateaus, didn't say specifically what sites, is that what it said?

MR. SHAW: Correct, sites similar to this.

MR. PETRO: Lot of shale, is that the reason?

MR. SHAW: No, it was an active farm probably till what, Lester, maybe seven, eight years ago, it was an active farm until seven, eight years ago, what you have are the wetlands here which we're not proposing to disturb whatsoever, then on this portion of the site and it's an access road going up to the top and you have a slope of maybe about 8 percent as it falls in this fashion. If it was an active farm, you have some

structures on there in areas which are scheduled to be demolished and for the most part they're collapsed already and other than that, there's nothing on the site but brush, trees and wildlife.

MR. EDSALL: Did you say that the level areas would be the areas they seem to have a concern about have all been farmed area?

MR. SHAW: Yes.

MR. EDSALL: Likely be concluded that anything would have already been disturbed.

MR. SHAW: That would be my suspect. The only exceptions to that is you've got a pocket of woods here, okay, so if you really wanted to be technical, that wasn't farmed but outside of that, this whole site is brush, accessible with a vehicle and it was an active farm.

MR. PETRO: It may not hold water, it could say prehistoric four or five feet down.

MR. SHAW: We're only examining the top 18 inches.

MR. PETRO: That seems to be kind of foolish, if you've been farming it for 20 years. Are we lead agency?

MR. EDSALL: I believe you did quite a while ago.

MR. EDSALL: 22nd of May 2002, just shortly after that other meeting.

MR. PETRO: Still have Highway under review and Fire approved on 10/8/2003, 911 addresses available need for road names. Greg?

MR. SHAW: Okay, all those are relatively minor. Cause once we get preliminary from this board, we're off to

the Health Department. First thing we have to do is drill five wells on the site so it's going to take us a minimum of six to nine months in order to get Health Department approval and then in that time period we could tie up any loose ends that the board would feel are appropriate.

MR. PETRO: You still have to draw the sidewalks on the plan, too, Greg.

MR. EDSALL: The other SEQRA issue, so it's on the record is the storm water management, we did review that and everything's fine. He's aware they have to create the district, it was quite an extensive report and Pat Hines had reviewed that, said he did a good job, I guess you could say he got a home run.

MR. PETRO: Until all issues are resolved, the board cannot proceed with the determination of significance. What other issues are there, other than the one we're talking about?

MR. SHAW: In my opinion, I think that's all that's on the table.

MR. PETRO: Not impacting the wetlands anymore.

MR. SHAW: No, we're not going to be getting a permit from the DEC for filling of the wetlands, we've moved the roads to stay away from the wetlands.

MR. EDSALL: The only other issue that rolls into SEQRA but it's something we can address is the final details, we were out on this section of Kings Road recently and we may have to work with you on some either piping or swale improvements along the shoulder of Kings Road in the area of your access cause it's taking on quite a bit of water in that area, I'm sure you've got a culvert through this anyway.

MR. SHAW: We've not only piped down our new boulevard but what we have done is put in this rip-rap swale to cut off the storm water coming onto our property and put a basin there, not only for the swale, but to pick up the water.

MR. EDSALL: I'm talking about what runs down the side of Kings Road cause we've now got a boulevard entrance to cross.

MR. SHAW: We're picking it up with a basin or two.

MR. EDSALL: On top of the hill and redirecting in?

MR. SHAW: Correct.

MR. EDSALL: That would help out quite a bit so they are helping us with what we saw.

MR. SHAW: We don't want water from--

MR. PETRO: Do we have to do negative dec for preliminary approval?

MR. EDSALL: That would be the appropriate time, do it before you make your preliminary approval.

MR. EDSALL: I would say if you're in agreement with Greg's suggestion on how to handle the cultural resources issue that at that point would be the last issue that you would need to have resolved for the negative dec.

MR. PETRO: Who's asking you to do it?

MR. SHAW: And I believe we have a copy of that letter in your file.

MR. PETRO: Is it a state agency asking you or is it a private company that you hired to do this?

MR. SHAW: It's a combination of the two, the consultants that Dan Gehrin (phonetic) hired followed the guidelines of the state, all right, and came to the determination you should do a Phase 2 study that was sent to the New York State Office of Parks, Recreation and Historic Preservation and they responded and again you should have a letter in your file where basically they concur that a Phase 1-B study should be performed. What we're saying to this board is you have to make a determination as to whether or not this study for prehistoric artifacts is relevant enough, should you choose not to, he's not obligated to complete the study for the state because we do not need a permit from the state because we purchased the property and moved the road.

MR. LANDER: But they didn't ask you for that study because you were going to cross the wetlands, did they?

MR. SHAW: No, absolutely not. What happened was you sent as part of the circulation package for lead agency a notice to the state, the state responded and said listen, we looked at the map and there's some sensitivity in the area, we think you ought to do Phase 1 archeological study, it was performed, sent to the state, the state looked at it, responded back and said you're in the proximity of other sensitive areas, I think we ought to do a 1-B study, that's where we are now.

MR. MASON: By letting them in to do the study, it's going to tie the project up?

MR. SHAW: Well, yeah, it's an expense and time factor and we'd like to move on to the Health Department. Just that simple.

MR. PETRO: Let me give you my opinion then I want to poll the board, see if they agree. We'll go from

there, okay. I've been here 50 years, I don't ever remember hearing of anything out there for dinosaur bones or prehistoric man, so I don't know if that's really a good reason to hold up a project and to go up there with spoons and stuff and start looking around 18 inches down. I don't think you're going to find anything. I think it's unreasonable in my opinion but I think if you want the board to go forward and not require that a Phase 1 be looked into, I also want to protect the Town in case a lawsuit of some kind comes up in trying to stop the project because it was requested and we overruled it basically or didn't go along with it and saw a reason not to by your persuasion and by some common sense, I think that you are not going to hold us accountable. You will be at your own time and own risk to deal with it. And that's what I have to say. I think it's not reasonable, I've never heard of anything like that being found around here. I'm here 51 years and to hold up a project to look for dinosaur bones I think is unreasonable. Anybody have anything to add or take away from that?

MR. ARGENIO: I have one thing to add, I don't think that it's unreasonable to hold a project up to look for dinosaur bones but I do agree with what you said 51 years here and you see no evidence of dinosaur bones in the vicinity of the west end of the Town of New Windsor. I think that's a very reasonable statement and I also think that the comment that Mr. Edsall made was a very reasonable statement as well that that area of the Town had been farmed for years and years and years, the Babcock farm is out there, this farm and several other farms out that way that I don't know the name of but I know they're out there because I live out that way. That's what I have to say.

MR. PETRO: Anybody else?

MR. LANDER: I concur.

MR. MASON: I agree with you too, I think that it's unreasonable if it's going to tie him up for a long period of time.

MR. KARNAVEZOS: I agree too, I mean, if you were going to find something you're going to find it in the 30 years that he was farming there. The spoons that they use go down what, 12, 16 inches right when they turn the dirt over.

MR. PETRO: Okay so with that, I'll entertain a motion for negative dec.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the ADC Windsor subdivision on Kings Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I would suggest that you get to the Board of Health and I also suggest that you take a copy of Mark's comments, put the sidewalks on the plan and two or three of the other comments.

MR. SHAW: Absolutely.

MR. EDSALL: You need to do preliminary.

MR. BABCOCK: You only did negative dec.

MR. PETRO: Motion for preliminary approval for the ADC Windsor subdivision on Kings Road.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to the ADC Windsor subdivision on Kings Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion to adjourn?

MR. KARNAVEZOS: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. MASON	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

October 8, 2003

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MR. PETRO

AYE

Respectfully Submitted by:

A handwritten signature in cursive script that reads "Frances Roth".

Frances Roth
Stenographer

10/21/03